IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.33 OF 2006

Mr.Jayaram V. Shetty ...Petitioner

Versus

Jankalyan Sahakari Bank Ltd., & Ors. ...Respondents

Shri P.N.Patil for the Petitioner.
Shri Birendra Saraf i/b M/s V.Deshpande & Co. for Respondent No.1.

CORAM : S.C. DHARMADHIKARI, J.
DATE : JANUARY 10, 2006.

P.C.:

1. Heard Shri Patil learned Counsel appearing for the petitioner and Shri Saraf learned Counsel appearing for respondent No.1 Bank.

2. After perusing the petition, the annexures thereto as well as the affidavit-in-reply, in my view, no interference is permissible under Article 227 of the Constitution of India because the first-respondent Bank is proceeding to execute recovery certificate issued under Section 101 of the Maharashtra Co-operative Societies Act, 1960. More so, when the Hotel premises as well as residential flat have agreed to be disposed of in repayment of the Bank dues by the petitioner. The petitioner has also agreed to hand

over vacant possession of the residential flat to the successful bidder in the auction. In these circumstances, the Writ Petition cannot be entertained and, therefore, dismissed.

3. As far as the prayer made by Shri Patil to waive the balance amount is concerned, it would be open for the petitioner to approach such authorities, as are designated in law, and upon such application being made it will be disposed of on its own merits, despite reluctance of this Court to interfere and issue any direction to the Bank.

(S.C.DHARMADHIKARI,J.)